

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

KATHERINE MOUSSOURIS, HOLLY  
MUENCHOW, and DANA PIERMARINI,  
on behalf of themselves and a class of  
those similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:15-cv-01483-JLR

**DECLARATION OF ADAM T. KLEIN IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

I, Adam Klein, declare:

1. I am a partner in the firm of Outten & Golden LLP (“O&G”) in New York, New York.

2. I am an attorney in good standing admitted to practice in the State of New York, and *pro hac vice* before this Court.

3. Along with attorneys from Lief Cabraser Heimann & Bernstein LLP and Frank Freed Subit & Thomas, I am one of the attorneys primarily responsible for prosecuting Plaintiffs’ claims on behalf of the proposed class.

4. I make this declaration in support of Plaintiffs’ Opposition to Defendant’s Motion for Summary Judgment. I make these statements based on personal knowledge and would so testify if called as a witness.

5. During discovery, Plaintiffs identified numerous comparable male employees who were paid more or promoted faster than Plaintiffs. Microsoft referenced the individuals identified by each Plaintiff in its Motion for Summary Judgment, as follows:

**Moussouris:** [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

**Muenchow:** [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

**Piermarini:** [REDACTED], [REDACTED], [REDACTED], [REDACTED]

6. Although the dataset Microsoft produced in this case generally did not contain individual employee names but only their employee identification numbers, Plaintiffs’ counsel directed Dr. Ruth Gilgenbach to locate the employee identification numbers for each named comparator in the Microsoft produced files MSFT\_MOUSSOURIS\_00121230.xlsx and MSFT\_MOUSSOURIS\_00121230.xlsx to the extent the numbers could be located through looking at data of those comparators’ known managers (where possible) or where the comparators’ known job history was unusual and thus could be discerned by certain dates and events known to the Plaintiffs. For example, these spreadsheets contain a column titled “Reports

to Full Name,” which contains the names of individual supervisors at Microsoft. This column can be searched for comparators’ names. This spreadsheet also contains a column titled “Reports to Personnel Number,” which provides the employee ID number of each supervisor. Each comparator’s name can be matched to their corresponding ID number within the same row.

7. Using this process, Dr. Gilenbach identified the personnel numbers for [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

8. I then directed Dr. Gilenbach to identify the following information from Microsoft’s data production for each comparator in each year: stock level, peer group, months at Microsoft, age in years, total compensation, a variable that indicates whether or not the employee was promoted, performance metrics, profession, discipline, standard title, the city and state where the employee works, and an indicator for the employee’s gender.

\* \* \*

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in New York, New York on April 2, 2018.

Dated: April 2, 2018

Respectfully submitted,

By: /s/ Adam T. Klein

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*Attorney for Plaintiffs and the proposed Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2018, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system and by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

Dated April 2, 2018

/s/ Adam T. Klein

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